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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,231	03/09/2004	Marc Husemann	101769-268 /tesa1649	2181
27386	7590	09/07/2010		
GERSTENZANG, WILLIAM C.			EXAMINER	
NORRIS MCLAUGHLIN & MARCUS, PA			NERANGIS, VICKIE MARIE	
875 THIRD AVE, 8TH FLOOR				
NEW YORK, NY 10022			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			09/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/796,231

Applicant(s)

HUSEMANN ET AL.

Examiner

Vickey Nerangis

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-13 and 15-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-13 and 15-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. All outstanding rejections, except for those maintained below, are withdrawn in light of applicant's amendment filed on 6/18/2010.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.
3. No new grounds of rejection are set forth below. Thus, the following action is properly made final.

Claim Rejections - 35 USC § 102

4. Claims 1, 2, 5-9, 11-13, 15-17, and 19-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Azuma (JP 09-286958, machine translation).

The rejection is adequately set forth in paragraph 2 of Office action mailed on 4/20/2009 and is incorporated here by reference.

Claim Rejections - 35 USC § 103

5. Claims 4, 18, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azuma (JP 09-286958, machine translation) in view of Parson or Boyce.

The rejection is adequately set forth in paragraph 3 of Office action mailed on 4/20/2009 and is incorporated here by reference.

6. Claims 1, 2, 4-8, 11-13, 15, 18-29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons (US 5,851,663).

The rejection is adequately set forth in paragraph 8 of Office action mailed on 2/18/2010 and is incorporated here by reference.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons (US 5,851,663) in view of Sakurai (US 6,893,583).

The rejection is adequately set forth in paragraph 9 of Office action mailed on 2/18/2010 and is incorporated here by reference.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons (US 5,851,663) in view of Everaerts (US 5,648,425).

The rejection is adequately set forth in paragraph 10 of Office action mailed on 2/18/2010 and is incorporated here by reference.

Response to Arguments

9. Applicant's arguments filed 6/18/2010 have been fully considered but they are not persuasive. Specifically, applicant argues (A) that Azuma fails to disclose the entire claimed amount of flame retardant of 25-60 wt % and (B) that Parsons fails to disclose the claimed amount of flame retardant of 25-60 wt %.

With respect to argument (A), Azuma is not required to disclose the entire claimed range. Rather, MPEP 2131.03 (II) states that prior art which teaches a range overlapping or touching the claimed range anticipates if the prior art range discloses the claimed range with "sufficient specificity." Azuma discloses in paragraph 0028 that the amount of polyphosphoric acid ammonium flame retardant is used in an amount of 5-70 parts by weight per 100 parts by weight

Art Unit: 1796

of acrylate adhesive component which, when converted, is about 4-41 wt % (as also calculated by applicant on pages 13-14 of the response filed 6/18/2010). It is the examiner's position that the range 4-41 wt % substantially overlaps with claimed range 25-60 wt % and therefore discloses the claimed range with "sufficient specificity."

With respect to argument (B), first, Parsons clearly teaches that non-halogen intumescent flame retardant such ammonium polyphosphate is utilized in an amount of 10-60 wt % based on the adhesive, which is similar to the examples which have amounts of ammonium polyphosphate in phr (parts per hundred resin or adhesive). Therefore, the range of 10-60 wt % based on the adhesive converts to about 9-38 wt % based on the adhesive composition which clearly overlaps with the claimed range of 25-60 wt %. Note in col. 17, line 66, wherein the example has 50 phr ammonium polyphosphate, which converts to about 33 wt % and which clearly falls within the claimed range.

Conclusion

10. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 1796

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Nerangis whose telephone number is (571) 272-2701.

The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vn

/Vickey Nerangis/
Primary Examiner, Art Unit 1796